APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,999	04/17/2006	Jayshree Bharatia	16469RRUS03N	9376

7590   05/11/2011

Docket Clerk
P.O Drawer 800889
Dallas, TX 75380

EXAMINER
PATEL, MUNJALKUMAR C

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
05/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/575,999	BHARATIA ET AL.
Office Action Summary	Examiner	Art Unit	
	Munjal Patel	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 November 2010</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-6,8-15 and 18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-6,8-15,18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

     1.   Determining the scope and contents of the prior art.
     2.   Ascertaining the differences between the prior art and the claims at issue.
     3.   Resolving the level of ordinary skill in the pertinent art.
     4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

3.   **Claims 1-6, 8, 12-15, and 18** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Smith (US PGPUB # US 2002/0042277 A1)** herein after referred as

Smith as applied to claims above, and further in view of **Zonoun (WIPO # WO**

02/33897 A2) herein after referred as **Zonoun**.

4.   **Consider claim 1, Smith** discloses a method of subscriber information service

center which reads on a method of obtaining location information for emergency

services comprising the steps of:

     receiving a first request message **(Smith: Fig 6:91-92 information request & ¶**

0045) from the multimedia server **(Smith: Fig 6:61 SISC)** in response to the multimedia

server receiving an request message from user equipment (UE) **(Smith: Fig. 6:85 Information request ¶ 0045 discloses "the Company Representative 81 sends a request for information 85 to the SISC 61")**;

communicating a location request in response to receiving the first request message **(Smith: Fig 6:86-88 & ¶ 0045-0046 discloses "At 86, the SISC requests updated information from the HLR 67. The HLR may periodically refresh the information in the SISC in order to minimize the amount of information that must be updated. The HLR 67 verifies the company's subscription at 87, and at 88 the HLR retrieves <u>the location information</u> for the MINs in the company's profile 79 and uses the lookup table 36 (FIG. 3) to convert the information to common geographic names")**;

receiving a location response in response to communicating the location request **(Smith: Fig 6:88-92 & ¶ 0047 lines [1-14]) discloses "When all of the information is gathered, the HLR 67 sends the information to the SISC 61 at step 89" further Smith also discloses "the 2G mobile subscriber 63 is an employee of a company that has a subscription <u>enabling a Company Representative 81 to obtain location and status information from the SISC 61 relating to designated employees")**, the location response comprising location information of the UE **(Smith: Fig 6:89, 91, 92 & ¶ 0046 discloses "and at 88 the <u>HLR retrieves the location information for the MINs</u> in the company's profile 79 and uses the lookup table 36 (FIG. 3) to convert the information to common geographic names")**; and

communicating a second request message to the multimedia server in response

to receiving the location response **(Smith: Fig 6:93, 94 & ¶ 0047 lines [14-19]**
discloses "The SIP Server forwards the Invite message to the Company
Representative at 92. The Company Representative returns a SIP 200 OK
message 93 to the SIP Server which forwards the 200 OK message to the SISC at
94. The SISC then sends the information at 95. Alternatively the information may
be <u>sent in an SMS message</u> or voice announcement), except, Smith fails to
disclose receiving a first request message from the multimedia server **(Smith: Fig 6:85**
& ¶ 0045) in response to the multimedia server receiving <u>an emergency</u> request
message from user equipment (UE).

      In a similar field of endeavor **Zonoun** discloses a sending an emergency
indication over a packet based network. In addition, **Zonoun** discloses receiving a first
request message from the multimedia server in response to the multimedia server
receiving an emergency request message from user equipment (UE) **(Zonoun: Fig 2 –**
8 and page 8 lines [10-25] discloses "An emergency call may be issued by the
computer 200 in one of various formats. For example, the emergency call can be
communicated in a Hypertext Transport Protocol (HTTP) request, which is
generated by an HTTP service 220 in response to emergency call initiation by the
emergency application routine 21 8. Alternatively, <u>the emergency call can be</u>
<u>communicated in a call session established between the computer 200 and the</u>
<u>emergency 15 dispatch center 112 over the data network 12</u>. The call session may
be established using control messages according to the Session Initiation
Protocol (SIP). A SIP stack 222 generates SIP messages, including the SIP Invite

message, for transmission over the data network 12. The SIP stack 22 also parses

SIP messages received from the data network 12. A version of SP is described in

RFC 2543, entitled "SIP: Session Initiation Protocol," dated 20 in 1999. Another

protocol that defines messages for establishing call sessions over packet based

networks is H.323 Recommendation, established by the International

Telecommunication Union (ITU). If H.323 or another protocol is used, then a

module other than the SIP stack 222 is used. Once a call session is established

over the data network, the emergency application routine 218 can communicate

audio data to the emergency dispatch center 112. The audio data may be a

prerecorded message indicating an emergency situation exists.").

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to incorporate the well known teaching of Zonoun into the

system of **Smith** in order to provide faster response in emergency situation **(Zonoun:**

page 2 lines [1-6]).

5. **Consider claim 2**, **Smith** in view of **Zonoun** discloses everything in claim 1 as

above wherein the multimedia server is a serving control session control function server

(Smith: Fig 5: 61 & Fig 6 describes SISC server which handles serving control and

session control functionality).

6.   **Consider claim 3**, **Smith** in view of **Zonoun** discloses everything in claim 1 as above wherein the multimedia server is a Session Initiation Protocol enabled server **(Smith: Fig 5: 61 & Fig 6 describes multimedia server is SIP enabled server).**

7.   **Consider claim 4**, **Smith** in view of **Zonoun** discloses everything in claim 1 as above wherein the method is performed at session initiation **(Smith: Fig 6 & ¶ 0049 lines [19-32] discloses "The employee's serving MSC or SIP Server may also send information to the SISC indicating when the employee is engaged in an ongoing call.").**

8.   **Consider claim 5**, **Smith** in view of **Zonoun** discloses everything in claim 1 as above, wherein the first request is a Session Initiation Protocol INVITE request message **(Smith: Fig 6, ¶ 0047 lines [7-8] & ¶ 0049 lines [28-32]).**

9.   **Consider claim 6**, **Smith** in view of **Zonoun** discloses everything in claim 1 as above, wherein the location request is a mobile terminal location request **(Smith: Fig 6: 85 & ¶ 0043 lines [4-8] discloses "the 2G mobile subscriber 63 is an employee of a company that has a subscription enabling a Company Representative 81 to obtain <u>location</u> and status information from the SISC 61 relating to designated employees).**

10.   **Consider claim 8, Smith** in view of **Zonoun** discloses everything in claim 1 as above, wherein the second request is a Session Initiation Protocol INVITE request message **(Smith: Fig 6:93, 94 & ¶ 0047 lines [14-19] discloses "The SIP Server forwards the Invite message to the Company Representative at 92.).**

11.   **Consider claim 12, Smith** discloses a method of obtaining location information for emergency services comprising the steps of:

    receiving a first request message **(Smith: Fig 6:91-92 information request & ¶ 0045)** from a multimedia server **(Smith: Fig 6:61 SISC, Fig 2:27 & ¶ 0023)** in response to the multimedia server receiving a request message from user equipment (UE) **(Smith: Fig. 6:85 Information request ¶ 0045 discloses "the Company Representative 81 sends a request for information 85 to the SISC 61");**

    communicating a request for routing information in response to receiving the first request message **(Smith: Fig 2: 28 & 3: 36 & ¶ 0026 discloses "the HLR may return a reference number to the MSC which utilizes the lookup table to convert the reference number to a common geographic name. The MSC then returns the common geographic name to the calling subscriber");**

    receiving a routing information acknowledgement in response to communicating the request for routing information **(Smith: Fig 2:32 ¶ 0025 lines [1-4] discloses "the HLR may return a reference number to the MSC which utilizes the lookup table to convert the reference number to a common geographic name. The MSC then returns the common geographic name to the calling subscriber" i.e. routing**

information), the routing information acknowledgement comprising at least a one of location information of the UE and routing information associated with the UE enabling a request for location information of the UE **(Smith: Fig 2:32 & ¶ 0025 lines [1-4] discloses geographic location information)**; except and

communicating a second request message to the multimedia server in response to receiving the request for routing information acknowledgement**, except, Smith** fails to disclose communicating a second request message to the multimedia server in response to receiving the request for routing information acknowledgement.

In a different embodiment Smith discloses communicating a second request message to the multimedia server in response to receiving the request for routing information acknowledgement **(Smith: Fig 2:33 & ¶ 0025 lines [4-13], ¶ 0047 lines [14-19] discloses "The SIP Server forwards the Invite message to the Company Representative at 92. The Company Representative returns a SIP 200 OK message 93 to the SIP Server which forwards the 200 OK message to the SISC at 94. The SISC then sends the information at 95. Alternatively the information may be <u>sent in an SMS message</u> or voice announcement).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the well known teaching of the **Smith** in order to provide SIP protocol compatibility.

However, Smith fails to disclose receiving a first request message from a multimedia server **(Smith: Fig 2:27 & ¶ 0023)** in response to the multimedia server receiving an emergency request message from user equipment (UE).

In a similar field of endeavor **Zonoun** discloses a Sending an emergency indication over a packet based network. In addition, **Zonoun** discloses receiving a first request message from the multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE) **(Zonoun: Fig 2 – 8 and page 8 lines [10-25] discloses UE sending emergency request using SIP protocol/H.323 to multimedia server and in response to emergency request message Multimedia server establishes call session).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the well known teaching of **Zonoun** into the system of **Smith** in order to provide faster response in emergency situation **(Zonoun: page 2 lines [1-6]).**

12.   **Consider claim 13, Smith** in view of **Zonoun** discloses everything in claim 12 as above, wherein the multimedia server is a serving control session control function server **(Smith: Fig 5: 61 & Fig 6 describes SISC server which handles serving control and session control functionality).**

13.   **Consider claim 14, Smith** in view of **Zonoun** discloses everything in claim 12 as above, wherein the multimedia server is a Session Initiation Protocol enabled server **(Smith: Fig 5: 61 & Fig 6 describes multimedia server is SIP enabled server).**

14.   **Consider claim 15, Smith** in view of **Zonoun** discloses everything in claim 12 as

above, wherein the first request is a Session Initiation Protocol INVITE request

message **(Smith: Fig 6, ¶ 0047 lines [7-8] & ¶ 0049 lines [28-32]).**

15.   **Consider claim 18, Smith in view of Zonoun** discloses everything in claim 12

as above, wherein the second request is an INVITE request message **(Smith: Fig 6, ¶**

0047 lines [13-14]).

16.   **Claims 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Smith in view of **Zonoun** and further in view of **Takeda et al (US Patent # US**

7,286,520 B2) herein after referred as **Takeda**.

17.   **Consider claim 9, Smith** discloses a communication system comprising:

a multimedia server **(Smith: Fig 5: 61 SISC)** for receiving a request message **(Smith:**

Fig 6:91-92 information request & ¶ 0045) from user equipment (UE) and, in

response thereto, generating a first request message **(Smith: Fig. 6:85 Information**

request ¶ 0045 discloses "the Company Representative 81 sends a request for

information 85 to the SISC 61");

a location application server **(Smith: Fig 5: 67 HLR)** communicatively coupled to the

multimedia server **(Smith: Fig 5:61 SISC is communicatively coupled to 67 HLR)** for

receiving the first request message **(Smith: Fig 6:91-92 information request & ¶**

0045) and generating a one of a location request and a routing information request

(Smith: Fig 6:86-88 & ¶ 0045-0046 discloses "At 86, the SISC requests updated information from the HLR 67. The HLR may periodically refresh the information in the SISC in order to minimize the amount of information that must be updated. The HLR 67 verifies the company's subscription at 87, and at 88 the HLR retrieves <u>the location information</u> for the MINs in the company's profile 79 and uses the lookup table 36 (FIG. 3) to convert the information to common geographic names" i.e. generating and routing the location request);

a gateway server **(Smith: Fig 5:66 & ¶ 0041 describes MGW)** communicatively coupled to the location application server **(Smith: Fig 5: 67 is communicatively coupled to 66)** for receiving a one of the location request and the routing information request, and for generating an acknowledgement response comprising at least a one of location information of the UE and routing information associated with the UE enabling a request for location information of the UE **(Smith: Fig 6:86-88 & ¶ 0045-0046 discloses "At 86, the SISC requests updated information from the HLR 67. The HLR may periodically refresh the information in the SISC in order to minimize the amount of information that must be updated. The HLR 67 verifies the company's subscription at 87, and at 88 the HLR retrieves <u>the location information</u> for the MINs in the company's profile 79 and uses the lookup table 36 (FIG. 3) to convert the information to common geographic names" i.e. generating, receiving and routing location request);** and

<u>wherein the location application server is operable for receiving the acknowledgement response and for communicating at least a one of the location information and the</u>

routing information to the multimedia server (**Examiner interprets this underlined section of amended claim as intended use of system claimed which is not given patentable weight), except**, Smith fails to disclose a multimedia server (**Smith: Fig 5: 61**) for receiving <u>an emergency</u> request message from user equipment (UE) and, in response thereto, generating a first request message, and receiving a first request message from the a multimedia server (**Smith: Fig 6:85 & ¶ 0045**) in response to the multimedia server receiving an emergency request message from user equipment (UE).

In a similar field of endeavor **Zonoun** discloses a Sending an emergency indication over a packet based network. In addition, **Zonoun** discloses receiving a first request message from the multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE) (**Zonoun: Fig 2 – 8 and page 8 lines [10-25] discloses UE sending emergency request using SIP protocol/H.323 to multimedia server and in response to emergency request message Multimedia server establishes call session**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the well known teaching of Zonoun into the system of **Smith** in order to provide faster response in emergency situation (**Zonoun: page 2 lines [1-6]), except, Smith** in view of **Zonoun** only briefly discloses use of SIP protocol.

In a similar field of endeavor **Takeda** discloses a Mobile terminal equipment and packet communication method between terminals. In addition, **Takeda** discloses receiving a multimedia server (**Takeda: Fig 20: 40**) for receiving an emergency request

message from user equipment (UE) and, in response thereto, generating a first request

message **(Takeda: Fig 20: 201A, 201, 202 & 202A)**.

     Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to incorporate the well known teaching of Takeda into the

system of **Smith** in view of **Zonoun** in order to shorten transfer delay time of data

packets on a mobile IP communication network and reduced fluctuation in transfer time

(Takeda: Column 4 lines [5-10]).

18.   **Consider claim 10**, **Smith** in view of **Zonoun & Takeda** discloses everything in

claim 9 as above, wherein the multimedia server is a session initiation protocol enabled

server **(Smith: Fig 5: 61 & Fig 6 describes multimedia server is SIP enabled**

server).

19.   **Consider claim 11**, **Smith** in view of **Zonoun & Takeda** discloses everything in

claim 9 as above, except **Smith** in view of **Zonoun & Takeda** fails to disclose

multimedia server is an H.323 enabled server as cited above.

     In a similar field of endeavor **Zonoun** discloses a Sending an emergency

indication over a packet based network. In addition, **Zonoun** further discloses

multimedia server is an H.323 enabled server **(Zonoun: page 8 lines [21-24])**.

     Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to incorporate the well known teaching of **Zonoun** into the

system of **Smith** in view of **Zonoun & Takeda** in order to provide mobile terminal

equipment and a packet communication method between terminals realizing shortened

transfer delay time of data packets on a mobile IP communication network (**Zonoun**:

Column 2 lines [1-6]).

Response to Arguments

Applicant's arguments with respect to claims 1-6, 8-15 and 18 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Munjal Patel whose telephone number is (571)270-

5541. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rafael Perez can be reached on 571-272-7915. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. P./
Examiner, Art Unit 2617

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617